IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

NOTICE OF MOTION NO. 78 OF 2006.
IN
WRIT PETITION NO. 2391 OF 2003.

M/s Win Chemicals & ors. ... Petitioners.
V/s.
Asstt. Registrar, Co-operative
Societies & anr. ... Defendants.

Mr. S.S. Kanetkar i/b Girish Godbole for the petitioners.

Ms. Mamta Saadi i/b V. Deshpande & Co. for the respondents.

CORAM : V.C.DAGA, J.

DATED : 28.2..2006.

P.C. :

. Heard learned Counsel for the petitioners.

. Perused petition and Notice of Motion.

2. Learned Counsel for the petitioners has brought to my notice order of the Division Bench dated 23.11.2003 passed in bunch of petitions, lead case being Civil Application (st) No. 29812 of 2004 in Writ Petition No. 8396 of 2003 in Recovery Application No. 4635 of 2003-2004, wherein Division Bench, while dealing with identical prayers, refused to grant interim stay of proceeding which was pending on the file of the Assistant Registrar,

Co-operative Societies under section 101 of the Maharashtra Co-operative Societies Act,1960.

3. The Division Bench after taking survey of the Full Bench judgment and that of the order of the Apex Court whereby Full Bench judgment is stayed, was pleased to hold that the Court and/or authorities constituted under the Maharashtra Co-operative Societies Act can proceed with the proceedings.

4. In the above view of the matter, Notice of Motion under consideration is allowed and rule is made absolute in terms of prayer clause (b) with no order as to costs.

(V.C.DAGA,J.)